

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 11, 1954
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; J. D. Huffman, Jr., Finance Director.

Invocation was delivered by REV. ALBERT JESSE, St. Paul's Lutheran Church.

Councilman White moved that the Minutes of March 4th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

In accordance with published notice thereof, promptly at 10:00 o'clock A. M. Mayor McAden announced that the time for submitting bids on the purchase of \$15,000,000.00 Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 2, of the City of Austin, Texas, had expired; and the City Council would proceed with the opening of said bids.

The only bid received, a copy of which is contained in the following resolution, was then opened and read. Such bid was accompanied by a Cashier's Check in the amount of \$176,200.00. The bid, which was that of First Southwest Company, of Dallas, Texas, and which appears in such Resolution accepting the same as hereinafter set forth, was then referred to a Committee composed of the Austin Clearing House Association and the three former Mayors, TOM MILLER, TAYLOR GLASS, and W. S. DRAKE, JR., for study and report as to whether acceptance thereof would be advantageous to the City.

The Council received the following communication from such Committee:

March 11, 1954

"Hon. Mayor and The City Council
The City of Austin
Austin, Texas

"Gentlemen:

"Please be advised that at a special meeting this morning at 10:30 A.M. of the following named persons, a unanimous vote of this group recommended to the Council their acceptance of the bid by the First Southwest Company as presented to the Council under the date of March 11, 1954, and producing an effective interest rate of 2.19870%:

John Aycock, President, Fidelity State Bank
W. S. Drake, Jr., Former Mayor and President,
Calcasieu Lumber Company
Taylor Glass, Former Mayor and owner, Polar
Ice Cream Company

Donald James, Vice President, Austin National Bank
Dr. James C. Dolley, President, Austin National Bank
E.R.L. Wroe, President, American National Bank
E. P. Cravens, Chairman of the Board, Capital
National Bank

Willard Houser, Vice President, American National Bank
Tom Miller, Former Mayor and owner, Miller Produce Co.
Howard T. Cox, President, Capital National Bank

"The Texas State Bank expressed regret at their inability to attend the meeting.

"Very truly yours,
AUSTIN CLEARING HOUSE ASSN.
By: (S) Howard T. Cox
President"

Councilman Thompson moved that the recommendation of the Austin Clearing House Association and the three former Mayors be accepted. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, FIRST SOUTHWEST COMPANY, Dallas, Texas, acting by and through their duly authorized agent and representative, W. A. Jackson, Vice President, have this day submitted to the City Council the following proposal:

March 11, 1954

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

We are pleased to submit herewith our bid in response to your "notice of sale" City of Austin, Texas, Fifteen Million (\$15,000,000.00) Dollars Bonds.

In connection with the condition of the notice that all outstanding \$6,190,000.00 bonds be produced for cancellation and exchange within thirty days, you are advised that at the present time we are in contact with the holders of all such bonds or their representatives and believe this condition can be fulfilled as desired by you. You must realize, however, the possible difficulty of producing physically all bonds of this large amount within the limitations of the period assigned. For example, in past situations of similar nature holders have been away on vacation, have moved, have died after consenting, or have involved their bonds in trust estates.

Considering the foregoing and upon the possibility that a limited number of bonds may not be actually presented for cancellation and exchange within the thirty days, we request that as to those bonds the City agree to proceed under rule of law as set forth by the Supreme Court of the State of Texas, in the case of City of McAllen versus Daniel, 211 S.W. 2d, page 944, and call such bonds, up to \$35,000.00 par value, which would not be available for actual delivery within the designated time and deposit funds with the bank of payment equal to the par value thereof and accrued interest to maturity on any such bonds maturing in 1954 and 1955 and par and accrued interest to date of call (October 1, 1955), plus a premium of Two percent (2%) on such bonds maturing from 1956 through 1959. In this connection we guarantee that the amount of bonds to be called will not exceed \$35,000.00.

This letter is to be considered a part of the bid hereto attached, and if such bid is satisfactory to you and the bonds are awarded to us in accordance therewith we ask that you please signify acceptance by authorizing the Mayor and City Clerk to sign in the space provided below.

Our bid is for acceptance on this date it being understood also that the bonds to be delivered to us will have the unqualified approval of the Attorney General of Texas and the final unqualified approval of Messrs. Dumas, Huguenin and Boothman, Attorneys, Dallas, Texas.

Respectfully submitted,
FIRST SOUTHWEST COMPANY
By /s/ W. A. Jackson
Vice President

ACCEPTED by the City Council on this the 11th day of March, 1954.

Mayor

ATTEST:

City Clerk

UNIFORM BID FORM
FOR
\$15,000,000.00
CITY OF AUSTIN
AUSTIN, TEXAS

ELECTRIC LIGHT AND POWER
WATERWORKS AND SEWER SYSTEM
REVENUE BONDS SERIES NO 2,
DATED APRIL 1, 1954

March 11, 1954

TO THE CITY COUNCIL
CITY OF AUSTIN
AUSTIN, TEXAS

GENTLEMEN;

In accordance with the notice of sale authorized March 4, 1954, we will pay par and accrued interest from April 1, 1954, to date of delivery, plus a cash premium of \$131,815.81.

<u>FOR BONDS MATURING</u>	<u>COUPON RATE</u>	<u>INTEREST COST</u>
April 1, 1960 thru April 1, 1964	3 3/4%	\$ 885,000.00
April 1, 1965 thru April 1, 1968	2 %	\$ 587,300.00
April 1, 1969 thru April 1, 19--	2 3/8%	\$ 208,406.25
April 1, 1970 thru April 1, 1974	2 1/8%	\$1,118,812.50

We further agree to produce within 30 days from the date of the award, all of the outstanding Six Million One Hundred Ninety Thousand Dollars (\$6,190,000) of the "City of Austin Electric Light and Power, Waterworks and Sewer Systems Improvements and Extension Revenue Bonds, 1949 Series", dated October 1, 1949, and to purchase Six Million One Hundred Ninety Thousand Dollars (\$6,190,000) new bonds provided to mature on April 1st, 1955 to 1959, inclusive as outlined in the notice of sale authorized March 4, 1954, by exchanging therefor such outstanding bonds having attached thereto all unmatured coupons par for par, as follows:

<u>FOR BONDS MATURING</u>	<u>COUPON RATE</u>	<u>INTEREST COST</u>
April 1, 1955 thru April 1, 1958	1 1/2%	\$ 178,950
April 1, 1959	1 1/4%	\$ 91,250
Total interest cost from April 1, 1954 to final maturity under this bid		<u>\$3,069,718.75</u>
Less: Cash Premium bid		<u>\$ 131,815.81</u>
Net Interest Cost		<u>\$2,937,902.94</u>
Effective Interest Rate		2.19870 %

As provided in the notice of sale, bonds will be made payable at The National City Bank of New York, in the City of New York, New York, and, at the option of the purchaser, at American National Bank, Austin, Texas.

It is understood and agreed that upon delivery of the presently outstanding \$6,190,000 "City of Austin Electric Light and Power, Waterworks and Sewer Systems Improvement and Extension Revenue Bonds, 1949 Series", dated October 1, 1949, for cancellation and exchange, the City of Austin will pay to the undersigned bidder \$123,044.83 for and in consideration of delivering said bonds for cancellation, and exchange.

This bid is based upon the information as to date of issue, principal maturities, delivery place of payment, the call price, etc., as contained in your official notice of sale authorized March 4, 1954, issued by you.

Delivery of the bonds will be made at American National Bank, Austin, Texas, immediately after approval by the Attorney General of the State of Texas, registration by the Comptroller of Public Accounts of the State of Texas, and approval by Dumas, Huguenin & Boothman, Attorneys, of Dallas, Texas. It is estimated that delivery will be not later than the 26th day of April, 1954.

Attached hereto is cashier's check in the amount of \$176,200.00, which is to be retained by you if we are awarded the bonds on this bid. You are to apply the check on the purchase price of the bonds when final delivery is made. In the event we fail or refuse to pay for the bonds in accordance with the terms of this bid, you are to cash the check as full and complete liquidated damages. In the event the bonds are not awarded to us, the check is to be returned to us immediately.

Accepted by the City Council on
this the 11th day of March, 1954.

Respectfully submitted,
FIRST SOUTHWEST COMPANY

Mayor, City of Austin

ATTEST:

City Clerk

By /s/ W. A. Jackson
Authorized Representative
of above firm or Syndicate.

Return of bid deposit is hereby
acknowledged.

By _____

and,

WHEREAS, the said bid and proposal of FIRST SOUTHWEST COMPANY, Dallas, Texas, was the most advantageous bid submitted to the City Council for the purchase of the aforesaid bonds; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said proposal of FIRST SOUTHWEST COMPANY to purchase \$15,000,000.00 City of Austin Revenue Bonds as per City's Notice of Sale authorized March 4, 1954, at the price and upon the terms of said proposal, be and the same is hereby accepted and FIRST SOUTHWEST COMPANY be awarded the sale of said bonds; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to sell to FIRST SOUTHWEST COMPANY the \$15,000,000.00 of revenue bonds of the City of Austin as per the City's Notice of Sale authorized March 4, 1954, at par and accrued interest from April 1, 1954 to date of delivery, plus a cash premium of \$131,815.81 according to the terms of said bid hereinabove set out.

ATTEST:

/s/ Elsie Woosley
City Clerk

ADOPTED: March 11, 1954
APPROVED: March 11, 1954
/s/ C. A. McAden
Mayor

The motion seconded by Councilman Pearson, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The following ordinance was introduced by Mayor McAden:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL SUM OF \$15,000,000 (BEING THE FIRST PARCEL OR INSTALLMENT OF A TOTAL VOTED AUTHORIZATION OF \$20,000,000 BONDS), OF WHICH THE SUM OF \$6,190,000 SHALL BE FOR THE PURPOSE OF PAYING OFF, REFUNDING AND CANCELLING AN EQUAL AMOUNT OF THE OUTSTANDING INDEBTEDNESS OF THE CITY'S COMBINED ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM; AND THE SUM OF \$8,810,000 SHALL BE FOR THE PURPOSE OF EXTENDING AND IMPROVING THE CITY'S COMBINED ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM, AS AUTHORIZED BY THE GENERAL LAWS OF THE STATE OF TEXAS, PARTICULARLY ARTICLES 1111 et seq., REVISED CIVIL STATUTES OF TEXAS, 1925, AS AMENDED; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND THE FORM OF INTEREST COUPONS; PLEDGING THE REVENUES OF THE CITY'S COMBINED ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS, AFTER DEDUCTION OF REASONABLE EXPENSES OF OPERATING AND MAINTAINING SAID COMBINED SYSTEM; ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved, seconded by Councilman Pearson, that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None
Absent: None

The ordinance was read the second time and Councilman White moved, seconded by Councilman Pearson, that the rule be suspended and the ordinance be passed to its third reading. The motion, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None
Absent: None

The ordinance was then read the third time and Councilman White moved, seconded by Councilman Pearson, that the ordinance be finally passed. The motion carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None
Absent: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Long asked if due to the peculiar nature of recalling the bonds at this particular time and the nature in which they were distributed wasn't the reason there was only the one bid? The City Manager stated there was quite a bit of interest, but the difficulty of calling in the six million outstanding bonds was the reason.

MR. CHAS. A. BURTON and a Committee from the Chamber of Commerce, MR. JOHN BROAD, MR. E. B. MOODY, and MR. EDDY BROWN, asked the Council to seal the \$400,000 tax bonds authorized in 1946 for the Auditorium in order to proceed with the preliminary work of the Auditorium. Councilman White moved that the Council proceed with the sale of \$400,000 in tax bonds (Auditorium) to provide money necessary for the architects to proceed with the assembling of data and plans for the construction of the Municipal Auditorium. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

In this respect, Councilman Pearson suggested that the previous committee that served on this important project that represented the City, and the one that represented the Chamber of Commerce be called together to review their plans again and reassure this Council that the plans are in order and should be proceeded with at this time. The Advisory Committee of the City was J. P. YEATES, Chairman; CHESTER SNYDER, T. H. WILLIAMS, JR., JOHN S. BURNS, JAY BROWN. Mr. EDDY BROWN stated the Chamber of Commerce would be glad to appoint a committee to meet with this Committee. Councilman Long moved that the Committee that worked on this preliminary study (those named above) be reappointed, plus other members that the Council shall see fit to name to the Committee, to continue working with the group they worked with before and any other interested citizens. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mr. and Mrs. Frank Darlington have made application in writing for permission to use and maintain in their residence a day nursery school, complying with all City and State regulations, on the North side of West Alpine Street, 92.9 x 469 unplatted Bunce 1 acre tract, in the City of Austin, Travis County, Texas, the same being on the North side of Alpine Street and locally known as 400 West Alpine Street, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of a day nursery school at the location described above be granted to Mr. and Mrs. Frank Darlington.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Lloyd David has made application in writing for permission to use and maintain in her residence an institution of an educational nature (kindergarten and nursery school) complying with all City and State regulations, on a lot located on the West side of Neches Street on University of Texas property and locally known as 1904 Neches Street, and is located in a "B" Residence District which, under Section #5, Item #7 of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of this institution of an educational nature at the location described above be granted Mrs. Lloyd David.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MRS. MAE E. WORD, former Chief Admission Clerk at Brackenridge Hospital complained to the Council of her being demoted, then dismissed. She stated she had been accused of being disloyal, discourteous, and fired for not discharging one working under her supervision, who was later discharged by the Administrator. BENFON YANTIS claimed he was discharged about two and a half years ago, and he was given no reason. He thought there should be some way for people to feel secure in their jobs. MILTON WAGHALTER, stated he was discharged a month ago, because he spread malicious gossip, and was not given any notice. CHARLES McDUFF reported incidents at the Hospital he thought should be corrected. EDITH HALBERT, former patient, spoke highly of Mrs. Word, complimenting her on her courtesy and patience with the people. Councilman White stated Mrs. Word had been to see him and had brought him copies of letters of recommendation from some doctors and other people. He told Mrs. Word that the Council was powerless to restore her position. Councilman Thompson moved that the matter be referred to the HOSPITAL BOARD for a report. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long suggested that some type of Board be set up to represent the employees. Under the job evaluation program, MR. NOVLIN WARD had brought in a recommendation she had suggested, and she wanted a policy established whereby employees would have notice before being discharged, and whereby they might feel more secure in their position.

Mayor McAden introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND MAINTENANCE OF THE PORTION OF U.S. HIGHWAY NO. 183 IN THE CITY OF AUSTIN HEREINABOVE REFERRED TO AS "THE STREET PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, RECONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF THE SAID STREET PROJECT; FOR THE INDEMNIFICATION OF THE STATE OF TEXAS, BY THE CITY, AGAINST ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY, AND FOR EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

MR. KURT MEYER, JR., 715 Red River, complained that he and others had been requested to move their displays inside their building, and asked permission to use the 2½' between the building and sidewalk space to display second-hand furniture. After explanation of the ordinance and liability of the City, the Mayor stated there was nothing the Council could do under the present ordinance.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 21 (b) OF ARTICLE IV RELATING TO "NO PARKING AT ANY TIME" LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Thompson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 18 (b) OF ARTICLE IV, RELATING TO LOCATION OF NO PARKING ZONES ON STREETS ADJACENT

TO SCHOOLS BETWEEN SPECIFIC HOURS ON SCHOOL DAYS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS the City Council of the City of Austin has found that public necessity requires the opening, construction and maintenance of an additional street, highway, and freeway in the City of Austin extending from its north limits to its south limits, said street, highway, and freeway being commonly known as "Interregional Highway"; and

WHEREAS, the City Council has found and determined that the hereinafter described land is suitable for such purpose and that it is necessary to acquire said land for such street, highway, and freeway; and

WHEREAS, the City of Austin has negotiated with the owner of said land and has been unable to agree with such owner as to the fair cash market value thereof, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title for said purpose to the following described tract of land:

Lots 3 and 4 and the East three and six tenths (3.6) feet of Lot 2, each of said lots being in Block 48 of Travis Heights, a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Travis Heights of record in Book 3, Page 15, Plat Records of Travis County, Texas, which Lots 3, 4 and east 3.6 feet of Lot 2 were conveyed to M. D. McCracken, et ux, by warranty deed dated February 1, 1950 of record in Volume 1032, at page 332, Deed Records of Travis County, Texas.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in CENTER STREET, from Marlton Place, northerly 78 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CENTER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in SHOALMONT DRIVE, from a point 170 feet west of Burnet Road, easterly 42 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said SHOALMONT DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in WEST 37TH STREET, from a point 103 feet west of Gaffney Street, easterly 79 feet, the centerline of which gas main shall be 16 feet south of and parallel to the north property line of said WEST 37TH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in EAST 13TH STREET ALLEY, from Comal Street, easterly 141 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said EAST 13TH STREET ALLEY.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in HETHER STREET, from a point 56 feet east of Bluebonnet Lane, westerly 76 feet, the centerline of which gas main shall be 7.5 feet north of and parallel to the south property line of said HETHER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in BLUEBONNET LANE, from Hether Street southerly 230 feet, the centerline of which gas main shall be 20 feet west of and parallel to the east property line of said BLUEBONNET LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in RALEIGH AVENUE, across Clearview Drive intersection, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said RALEIGH AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in MEREDITH STREET, from Raleigh Avenue, westerly 94 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said MEREDITH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in THRASHER LANE, from a point 7 feet south of Riverside Drive, northerly 19 feet, the centerline of which gas main shall be 8 feet west of and parallel to the east property line of said THRASHER LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in RIVERSIDE DRIVE, from Thrasher Lane, westerly 1122 feet, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said RIVERSIDE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat house on the property owned by Robert C. McGinnis, the same being Lot 34, Tarrytown River Oaks Subdivision, Section #2, as listed in the Travis County Deed Records, and hereby authorizes the same Robert C. McGinnis to construct, maintain and operate this boat house subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat house after full compliance with all the provisions of this resolution, Said permission shall be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Robert C. McGinnis has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

March 11, 1954

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Robert C. McGinnis, owner of a piece of property located upstream from the westerly extension of the south line of Windsor Road, the same being Lot 34, Tarrytown River Oaks Subdivision, Section #2, as listed in the Travis County Deed Records, for permission to construct and maintain a boat house projecting out into the lake approximately 30 feet beyond the normal high water level. The Construction details meeting all requirements, I therefore recommend that if Robert C. McGinnis is granted his request by the City Council, that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner of applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the Tax Assessment for the property hereinafter described in the name of George W. Watt is incorrect for the following reason:

"A reinspection of the premises by our appraiser shows an error in the dimensions of the floor area as follows:

	<u>Erroneous Area</u>	<u>Correct Area</u>
Main Building	2,586	2,454
Garage	528	484
Terrace	480	400

"There was no error in the square feet of the concrete porch.

I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Lot 138 and South 30' of Lot 139, Tarry-Town #6, Plat 162, Item 61, Parcel #1-1704-0604, known as 2510 Janice Drive (Improvements Only)	\$10,490	\$9,000

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of George W. Watt, and has found the same to be erroneous for the reason stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is, hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Lot 138 and South 30' of Lot 139, Tarry-Town #6, Plat 162, Item 61, Parcel #1-1704-0604, known as 2510 Janice Drive (Improvements Only)	\$10,490	\$9,000

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I Certify that the tax assessment for the property hereinafter described in the name of Harvey N. Bouldin is incorrect for the following reason:

"There were no improvements on January 1, 1951 according to a letter from Mr. C. R. Flournoy, a local real-estate agent. The records of the Water and Light Department show that service was commenced October 2, 1951.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Improvements on one acre Theo Bissell Survey, Plat S-645, Item 8-4, Parcel #4-1021-0307, known as 11 Pillow Road.	\$2,590	-0-

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Harvey N. Bouldin, and has found the same to be erroneous for the reason stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Improvements on one acre Theo Bissell Survey, Plat S-645, Item 8-4, Parcel #4-1021-0307, known as 11 Pillow Road.	\$2,590	-0-

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of James R. Bouldin is incorrect for the following reason:

"There were no improvements on January 1, 1951 according to a letter from Mr. C. R. Flournoy, a local real-estate agent. The records of the Water and Light Department show that service was commenced May 17, 1951.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Improvements on 85/100 of one acre, Theo Bissell Survey, Parcel #4-1021-0411, Plat S-645, Item 1-3, known as 1 Bouldin Rd.	\$2,250	-0-

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of James R. Bouldin and has found the same to be erroneous for the reason stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is, hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1951	Improvements on 85/100 of one acre, Theo Bissell Survey, Parcel #4-1021-0411, Plat S-645, Item 1-3, known as 1 Bouldin Rd.	\$2,250	-0-

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of Kenneth E. Davis is incorrect for the following reason:

"The owner stated that the garage apartment was not complete and a tax department appraiser was sent out to investigate. It was found that the garage apartment was only 60% completed as of January 1, 1953.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	50'x100' of Lot 25, Duval Hgts. Parcel #2-2512-0302, Plat 216, Item 15-3, known as 919-C Clayton Lane (Improvements only)	\$4,870	\$4,040

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Kenneth E. Davis, and has found the same to be erroneous for the reason stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is, hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	50'x100' of Lot 25, Duval Hgts. Parcel #2-2512-0302, Plat 216, Item 15-3, known as 919-C Clayton Lane (Improvements only)	\$4,870	\$4,040

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, pursuant to that certain ordinance enacted on March 19, 1953, authorizing the City Tax Assessor and Collector to photographically reproduce certain records of the Department of Taxation, the City Tax Assessor and Collector has made photographic reproductions of various original records of such Department and has filed with the Council a certificate certifying that such photographic reproductions constitute a true and accurate reproduction of such original records, and,

WHEREAS, such certificate is in due form, correct and entitled to be approved by the Council, Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Certificate of the City Tax Assessor and Collector filed with the Council and attached hereto and made a part hereof, be and it is hereby approved.

(Certificate attached)

THE STATE OF TEXAS:

COUNTY OF TRAVIS:

I do hereby certify that I have examined the reels of photographic reproductions identified and described in the schedule set out below, and that each reel of such photographic reproductions constitutes a true and accurate reproduction of the original records of the Department of Taxation of the City of Austin listed in said schedule opposite the description of such reel.

Assessments and Collections Record
1928 - 1937

<u>Reel No.</u>	<u>Description</u>
T 1	Plat 1 - Plat 5
T 2	Plat 6 - Plat 11
T 3	Plat 11 - Plat 17
T 4	Plat 18 - Plat 19
T 5	Plat 20 - Plat 22
T 6	Plat 22 - Plat 26
T 7	Plat 27 - Plat 32
T 8	Plat 32 - Plat 36C
T 9	Plat 37 - Plat 42
T 10	Plat 42B - Plat 47
T 11	Plat 47B - Plat 53
T 12	Plat 54 - Plat 59
T 13	Plat 59B - Plat 60
T 14	Plat 61 - Plat 65
T 15	Plat 65 - Plat 71
T 16	Plat 71 - Plat 74C
T 17	Plat 75 - Plat 78
T 18	Plat 79 - Plat 83
T 19	Plat 83B - Plat 87
T 20	Plat 88 - Plat 91
T 21	Plat 92 - Plat 95
T 22	Plat 96 - Plat 99
T 23	Plat 100 - Plat 105
T 24	Plat 106 - Plat 112
T 25	Plat 113 - Plat 116
T 26	Plat 116 - Plat 122
T 27	Plat 123 - Plat 125
T 28	Plat 126 - Plat 130
T 29	Plat 131 - Plat 135
T 30	Plat 136 - Plat 143

School Districts
1928 - 1937

Esperanza School District

<u>Reel No.</u>	<u>Description</u>
T 31	Plat 75D - 88B
T 32	Plat 88B - 90G
T 33	Plat 90G - 90I

Govalle School District

<u>Reel No.</u>	<u>Description</u>
T 34	Plat 25C - 26C
T 35	Plat 26D - 28C

Ridgetop School District

<u>Reel No.</u>	<u>Description</u>
T 36	Plat 68A - 83G
T 37	Plat 83G - 83H
T 38	Plat 83H -

St. Elmo-School District

<u>Reel No.</u>	<u>Description</u>
T 39	Plat 108D - 132C

Assessments and Collections Record
1938 - 1947

<u>Reel No.</u>	<u>Description</u>
T 1	Plat 1 - Plat 9
T 2	Plat 9 - Plat 19
T 3	Plat 20 - Plat 26
T 4	Plat 26 - Plat 29
T 5	Plat 29 - Plat 37
T 6	Plat 38 - Plat 48
T 7	Plat 48 - Plat 63
T 8	Plat 63 - Plat 72
T 9	Plat 72 - Plat 81
T 10	Plat 81A - Plat 85
T 11	Plat 85 - Plat 93
T 12	Plat 94 - Plat 107
T 13	Plat 107 - Plat 115
T 14	Plat 115B - Plat 124
T 15	Plat 124A - Plat 135
T 16	Plat 136 - Plat 149
T 17	Plat 150 - Plat 159
T 18	Plat 160 - Plat 165
T 19	Plat 165 - Plat 194
T 20	Plat 195 - Plat 209
T 21	Plat 210 - Plat 215
T 22	Plat 215 - Plat 247
T 23	Plat 248 - Plat 266
T 24	Plat 267 - Plat 288 and discards

JACK H. KEY	1501-05 Scenic Drive	From "A" Residence To "C" Commercial
FLOYD WILLIAMS	601 Nelray	From "A" Residence To "B" Residence
DEAN O. SMITH	3409 Jefferson St.	From "A" Residence To "C" Commercial
W. P. GOODWIN	1124-34 Kirk Ave.	From "A" Residence To "C" Commercial

Councilman Long inquired about the lights at O'Henry School, and what was being done about the dust on Exposition Boulevard. The City Manager replied that the lights were being installed at the School, and that a heavy emulsion treatment would be given to Exposition. About paving around the School, the City Manager stated the street was on University property. The City Manager explained the paving activities in this area concerning Norwalk Lane.

Councilman Pearson suggested that a plan be set up where all calls on spraying the streets could be coordinated somehow where the people would know when their street was to be sprayed, and so that the Council members would have the information to pass on to them also.

Councilman Long inquired about the right -of-way on Funston so that the ditch could be cleaned out. The Director of Public Works stated at the present time there was a hold-up on an easement.

The City Manager announced that the Corporation Court would hold forth MONDAY, March 22nd at the Police and Courts Building. Councilman Thompson asked that plans be made to hold a big open house at this building.

Councilman Long suggested for the Council's consideration getting the School Board to permit the use of Allen and Fulmore Schools' gyms and for the city to furnish a man from the Recreation Department to supervise them on Saturdays and Sundays.

Pursuant to published notice thereof the following zoning applications were publicly heard:

KATHERINE PARR HAMILTON	2509-2913 Red River	From "B" Residence To "C" Commercial NOT Recommended by the Plan Commission Recommended TR 6th Height and area
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Hearing on this application was postponed until March 18th.

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HENRY HABEEB

815 Capitol Court

From "A" Residence
To "C" Commercial
NOT Recommended by the
Planning Commission

Hearing on this application was postponed until March 25th.

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MRS. ADA MAY NEAL

414 Clarke Street

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

Opposition was expressed by Mr. H. C. Risch, 3801 South 1st Street. Mr. D. C. Clark explained the subdivision of the whole area. Councilman White asked that this matter be deferred a week so that he could investigate it personally. The Council deferred action until the following week.

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AREA 14

University Airport - Original Zoning

The Council deferred action until the following week.

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CODY WALKER

8617 Burnet Road

From "A" Residence
To "C-2" Commercial
NOT Recommended by the
Planning Commission

Mr. Cody Walker appeared in his own behalf and stated he wanted to sell package beer to go. Mr. E. J. Steiger submitted a petition in opposition. Mr. Walker withdrew his application and stated he would make a new application for "C-1" Commercial.

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WILLIAM JOSEPH

5536 Lamar Blvd.

From "C-1" Commercial
To "C-2" Commercial
NOT Recommended by the
Planning Commission

Mr. Trueman E. O'Quinn represented the applicant, stating opposition to the three points in the recommendation of the Planning Commission in that there was no demand; that the change would permit a package store in an area of established C-1; and that the change would create more difficulty in enforcing the law. He pointed out the number of C-2 establishments in existence from 30th street to the city limits, and stated this condition had created a monopoly for the existing liquor stores. Further he stated sound zoning would call for a rezoning of the

whole area, and the applicant could not wait for the Planning Commission to redo the whole thing. He felt the enforcement recommendation was ambiguous as in a package store, there would be less traffic than a drive in. MRS. JACK CAMPBELL, 1904 Alguna Road, stated she preferred a liquor store rather than a drive-in. MR. C. O. WRIGHT appeared favoring the change for the same reason. DR. J. M. KUEHNE expressed bitter opposition as did MRS. PECK, 5400 Grover, REV. BETRAM MILLER, Pastor of the Congregational Church, and parsonage at 5500 McCandless. After discussion, the Mayor asked those who favored upholding the recommendation of the Planning Commission and denying the change to vote "Aye"; those opposed to vote "No". Roll call showed the following:

Ayes: Councilmen Long, Thompson, Mayor McAden
Noes: Councilmen Pearson, White

The Mayor announced the change had been denied, having failed to receive a 4/5ths majority necessary to overrule the recommendation of the Planning Commission.

MRS. BERTHA VOGES,
et al

3303-3307 Hampton Rd.
3204 Red River Street
3300-3306 Red River

From "A" Residence
1st Height and Area
To "B" Residence
6th Height and Area
NOT RECOMMENDED by
the Planning Com-
mission.

MR. GLEN LEWIS, expressed opposition to the change in his own behalf and in behalf of five others on the grounds this would increase traffic on an already congested street, as it was now a one-way street. Opposition was expressed also by MR. JESSE BARTLETT in behalf of Mrs. Walter E. Davis, 3207 Hampton Road. The Mayor asked those who favored upholding the recommendation of the Plan Commission and deny the change to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the change had been denied.

WILLIAM SHIVE, et al

3406 Jefferson

From "C-1" Commercial
To "C" Commercial
NOT RECOMMENDED by
the Planning Commis-
sion.

DR. WILLIAM SHIVE appeared in behalf of the application, stating the Legislature which gave the Council the power to zone, also had a stipulation that the owners of 20% of the property objecting to any change of zoning would have such effect as to require a four to one vote to over ride the 20% of the

owners objections to such change. The evidence of the majority of the property owners' objections is shown on the petition. On counts of other 7-Eleven stores, selling beer-to-to, there was an increase of 30% in traffic from people buying beer at night and on Sunday afternoons. He requested that this property be zoned back to its original "C" Commercial, and that "C-1" not be permitted in this area and also requested the Council's assistance by passing an ordinance covering nonconforming uses, whereby a use reclassified from "C-1" back to "C" when it is brought up by the people and then by the Council's vote, would go back to the normal "C". DR. LEDBETTER stated a majority of the people who live in the school district had spoken strongly protesting the sale of beer off-premise in this area. The P.T.A. had voiced its disapproval of the sale of beer here. MR. WILLIAM M. WILCOX, 3109 Bervely Road, asked careful consideration of the wishes of the people living in this area who did not want "C-1" zoning. MRS. PRESTON CRAIG, MRS. WILLIAM CRAFT, 1818 West 37th, and MR. TED WIKOWSKY, expressed opposition. The Principal of Brykerwood School, speaking as a school man, ask that the "C-1" change NOT be permitted, as there was no question but what the sale of beer created more traffic and more business. Traffic had already increased, whereby he added five extra boys in the safety Patrol. Opposition was expressed by MILLER R. WADE, LUCILLE AYCOCK, and MRS. SHIVE. MR. TRUEMAN E. O'QUINN represented the Exlines who owned the property. He outlined zoning in general, outlined the history of this application and the number of times it had been advertised and the people notified; that zoning was not a matter for the majority of property owners to decide; that traffic was going to increase on these major thoroughfares. After further hearing, by the Council, the Mayor asked those that wished to affirm the recommendation of the Planning Commission and deny the "C" Classification to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen White, Mayor McAden
 Noes: Councilmen Long, Pearson, Thompson

Councilman Long made the following statement regarding her vote:

"Mr. O'Quinn pointed out that you could not vote for zoning on a popularity contest. We represent the citizens of Austin; however, when we are representing the citizens and get the feeling that about 75% of the people in the area that you represent are against something, that you should vote in that direction. You have a public hearing to get the sentiment of the people. In the first place, I voted for this. I am going to reverse my vote and vote against the recommendation of the Plan Commission, which means I am voting for non-conforming use, unless you get your Court action."

Councilman Pearson regarding his vote stated that he originally voted not to change it to "C-1", and he was also voting "No" this time. (Against the recommendation of the Plan Commission)

Councilman Thompson made the following statement regarding his vote:

"The position I am going to take in this. The ordinances on zoning impose upon a City Councilman discretionary power in voting on the zoning matters, and he must finally vote his convictions, his judgement, and his moral convictions, and there is a peculiar mixture of his duty. In the original case when this was before the Council, I voted one way. However, I have given a lot of thought to the matter of voting on ordinances dealing with liquor zoning; and although I take very little stock in the fact that we must prohibit our

children from coming in contact with liquor in order to save them from the vices of liquor, I prefer to substitute the responsibility of parenthood in the matter of teaching our sons and daughters the difference between right and wrong and whether or not it is wrong or right to use liquor, and so I do not have any sympathy with the argument that prohibiting a man from displaying liquor for sale is the way to accomplish this. I think the proper application of everybody to their parental duties, and the moral agencies of the community in teaching temperance will finally remedy that, and prohibition will not. None the less, deep down inside of me I can not have anything to do with the expansion of the distribution of liquor. If two more vote with me, we will have a non-conforming use... I am charged and given discretion in this matter and because of my own moral attitudes are such as they are in regard to distribution of liquor, I am going to vote to reverse this Plan Commission; and in doing so, I vote 'No'."

Councilman White stated he voted for it before, and he was going to be compelled to vote "aye" again.

The Mayor announced that the change of zoning to "C" Commercial had been denied by 3 to 2 vote, and the property remained "C-1" Commercial.

R. G. MUELLER

1700-02-04 West
35th Street

From "C" Commercial
To "C-1" Commercial
RECOMMENDED only por-
tion on which grocery
store is located(1702-04)
NOT RECOMMENDED on
remaining portion of
property by the
Planning Commission

The Mayor asked those who favored upholding the recommendation of the Planning Commission and granting the change of zone to apply to the grocery store location only to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: Councilman Pearson

The Mayor announced that the change had been granted on 1702-04 West 35th Street and the City Attorney was instructed to draw the ordinance to cover.

The Council deferred action on the Frederick Eby application for change of zoning at 2803 Cole Street and 2800 East Avenue, until March 25th.

There being no further business the Council adjourned at 4:40 P.M. subject to the call of the Mayor.

APPROVED

C. M. Eady
Mayor

ATTEST:

Elsie Hoosley
City Clerk